

## MEMORANDUM

IMFR  
Agenda Item No. 1(F)5

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**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

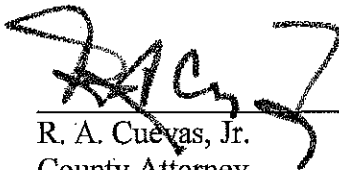
**DATE:** February 14, 2012

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Ordinance codifying User  
Access Program in County  
purchases; providing for a  
percentage deduction from all  
vendor invoices submitted to the  
County pursuant to purchase  
contracts of any County  
Department; creating exceptions;  
providing for implementation;  
creating Section 2-8.10 of the  
Code

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.

  
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R. A. Cuevas, Jr.  
County Attorney

RAC/jls

# Memorandum



**Date:**

**To:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in dark ink, appearing to read "Carlos A. Gimenez", written over the name in the "From" field.

**Subject:** Ordinance codifying User Access Program in County purchases

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The proposed ordinance codifying the User Access Program (UAP) for the purchase of goods and services, excluding certain contracts from the UAP, and providing for implementation, will not have a fiscal impact to the County.

A handwritten signature in dark ink, appearing to read "Edward May", written over the name in the "From" field.  
Office of the Mayor

Fis3712

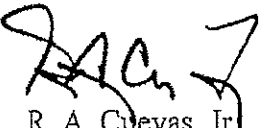


# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** January 24, 2012

**FROM:**   
R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No. 4 (H)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor

Veto \_\_\_\_\_

Override \_\_\_\_\_

Agenda Item No. 4 (H)

1-24-12

ORDINANCE NO. \_\_\_\_\_

ORDINANCE CODIFYING USER ACCESS PROGRAM IN COUNTY PURCHASES; PROVIDING FOR A PERCENTAGE DEDUCTION FROM ALL VENDOR INVOICES SUBMITTED TO THE COUNTY PURSUANT TO PURCHASE CONTRACTS OF ANY COUNTY DEPARTMENT; CREATING EXCEPTIONS; PROVIDING FOR IMPLEMENTATION; CREATING SECTION 2-8.10 OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 2-8.10 of the Code of Miami-Dade County, Florida, is hereby  
created to read as follows in its entirety:

**Sec. 2-8.10.** User Access Program in County Purchases.

- (1) A User Access Program ("UAP") in County purchases is hereby created. Under the UAP, contracts for the purchase of goods and services shall provide that the County will deduct two percent (2%) from each invoice with the amount retained by the County to defray the cost of procurement activities. Contracts shall further provide that in the event a non-County entity accesses a County contract, it shall deduct two percent (2%) from each invoice and remit seventy five percent (75%) of the retained amount to the County to defray the cost of procurement activities.
- (2) The County Mayor or Mayor's designee is authorized and directed to include UAP provisions, as specified in this Section, in each County contract for the purchase of goods and services, including one-time, term, blanket and pool contracts, regardless of which Department issues the contract. The UAP shall apply to extensions and renewals of existing contracts. The UAP shall also be applicable to non-County entities who wish to access contracts procured by the County.

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- (3) The following contracts shall be exempt from the UAP: construction, design, design-build, professional service contracts, small purchase orders issued by County departments, contracts funded in whole or in part with federal funds, contracts funded with any funding source which prohibits or restricts the application of the credit to the County effected in the UAP, revenue generating contracts, and contracts with rates established by ordinance, resolution or applicable law. In addition, this Board may waive the application of the UAP upon a finding that the waiver is in the best interest of the County.
- (4) The County Mayor shall allocate the money retained upon application of the UAP as necessary to defray the cost of procurement activities throughout the County. Proprietary departments with separate procurement functions including the Airport, Seaport, and the Public Health Trust shall retain any UAP allocation to defray the cost of its procurement functions if performed exclusively by those departments, and shall share the allocation ratably in the event of assistance from other departments.
- (5) The County Mayor shall develop appropriate specifications and contract provisions to give effect to the requirements of this Section.

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

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Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:

Handwritten signature of SAC.

Prepared by:

Handwritten signature of OR.

Hugo Benitez

Prime Sponsor: Commissioner Sally A. Heyman

Handwritten number 6.